

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

NINETEENTH DAY — THURSDAY, FEBRUARY 17, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 28).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Allen, R.; Burnam; Dawson; Olivo; Talton.

Absent — Hodge; Isett; Puente.

The invocation was offered by Dr. Johnny Funderburg, pastor, First Baptist Church, Pampa, as follows:

Holy Father and Sovereign Lord, in this esteemed house of government among these honorable and elected officials of Texas, we bow before you. In the midst of this sacred structure within whose walls rests great power and influence, we now turn to you.

For we confess to you, Lord, that at our best we are mere mortals—limited, restricted, and subject to the frailties of our humanity. Alone we are not competent of this high calling of governing and leading the people of this great state. We admit therefore, Almighty God, we need you. We need your mercy. We need your wisdom. We need your statutes and your judgments to understand truth. For only then will we govern justly and foster peace in this society.

Most High God, look upon this body with favor that we may rise above the difficulties we face. Pour out your power upon us that we might successfully battle against the evils that assault us. And Lord, draw us near to your heart that we might follow after you for only as we embrace your righteousness will this nation be exalted. In Christ's name. Amen.

The speaker recognized Representative Chisum who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Burnam on motion of Rodriguez.

Dawson on motion of Hamilton.

Talton on motion of Denny.

The following member was granted leave of absence for today because of illness:

R. Allen on motion of Hamilton.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Morrison who presented Dr. Harold High of Cuero as the "Doctor for the Day."

The house welcomed Dr. High and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Denny and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(Hardcastle in the chair)

### **HR 395 - ADOPTED (by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 395**.

The motion prevailed.

The following resolution was laid before the house:

**HR 395**, Recognizing Dr. Eric Wilson and Mr. Samuel Cook for sharing their musical talents at the Texas Prayer Breakfast.

**HR 395** was read and was adopted.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Hunter who introduced Dr. Eric Wilson and his wife Lynette.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of illness:

Uresti on motion of McClendon.

Escobar on motion of Gonzalez Toureilles.

The following member was granted leave of absence for the remainder of today because of important business in the district:

B. Keffer on motion of J. Keffer.

(Hodge now present)

**HR 124 - ADOPTED  
(by Goodman)**

Representative Goodman moved to suspend all necessary rules to take up and consider at this time **HR 124**.

The motion prevailed.

The following resolution was laid before the house:

**HR 124**, Honoring the Boys and Girls Clubs of Texas.

**HR 124** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Goodman who introduced Ivonne Adame, Miriam Barrientos, Kevin Harris, and Neoshia Taylor.

(B. Cook in the chair)

**HR 374 - ADOPTED  
(by Gonzalez Toureilles)**

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 374**.

The motion prevailed.

The following resolution was laid before the house:

**HR 374**, Honoring Lance Corporal Travis Pollok of Falls City for his courageous service to his country.

**HR 374** was adopted.

**HR 38 - ADOPTED  
(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 38**.

The motion prevailed.

The following resolution was laid before the house:

**HR 38**, Honoring George B. Hernandez, Jr., on being named president and chief executive officer of University Health System in Bexar County.

**HR 38** was read and was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 38** as signers thereof.

(Isett now present)

**HCR 60 - ADOPTED**  
**(by Isett)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HCR 60**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 60**, Honoring Gail Platt of Lubbock for her 20 years of service to the Texas Community College Teachers Association.

(Speaker in the chair)

**HCR 60** was read and was adopted.

On motion of Representative D. Jones, the names of all the members of the house were added to **HCR 60** as signers thereof.

(Olivo now present)

**HR 418 - ADOPTED**  
**(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 418**.

The motion prevailed.

The following resolution was laid before the house:

**HR 418**, Declaring February, 2005, Texas Women's Heart Month in the State of Texas.

**HR 418** was adopted.

**HR 398 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 398**.

The motion prevailed.

The following resolution was laid before the house:

**HR 398**, Recognizing February 17, 2005, as Community College Student Day at the State Capitol.

**HR 398** was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 398** as signers thereof.

**HR 377 - ADOPTED**  
**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 377**.

The motion prevailed.

The following resolution was laid before the house:

**HR 377**, Honoring Alwana Vaughan of Graham on her 90th birthday.

**HR 377** was adopted.

**HR 369 - ADOPTED**  
**(by Gonzalez Toureilles)**

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed.

The following resolution was laid before the house:

**HR 369**, Recognizing February 17, 2005, as Bee County Day at the State Capitol.

**HR 369** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Gonzalez Toureilles who introduced a delegation from Bee County.

**HR 390 - ADOPTED**  
**(by Craddick)**

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 390**.

The motion prevailed.

The following resolution was laid before the house:

**HR 390**, Congratulating Arlan and Avis Youngblood of Lamesa on being named the honorees of the 2005 National Hereford Show.

**HR 390** was adopted.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 390** as signers thereof.

(Edwards in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 134** was withdrawn.

**HR 135** (by J. Jones), Honoring James Scott Karban of Waco on attaining the rank of Eagle Scout.

**HR 136** (by J. Jones), Honoring Sweet Union Baptist Church of Jacksonville on its 117th anniversary.

**HR 137** (by J. Jones), Recognizing the renaming of the Good Street Missionary Society to the Wilene Dade Missionary Society of the Good Street Baptist Church.

**HR 138** (by J. Jones), Recognizing the 2004 honorees of the Texas State Association and Beauty Culturists League.

**HR 140** (by Dawson), Honoring the Thundering Hooves equestrian drill team of Matagorda County.

**HR 152** (by J. Jones), Honoring Eli Davis of Dallas on his 75th birthday.

**HR 153** (by J. Jones), Congratulating Wesley E. Hayes, Jr., on his retirement from Richland College.

**HR 154** (by J. Jones), Honoring Elinor Sedberry Jackson of Dallas for her 50 years of service to Alpha Kappa Alpha Sorority, Inc.

**HR 155** (by J. Jones), Honoring Margie Beal Dennis of Dallas on her 90th birthday.

**HR 157** (by Hegar), Recognizing Jacob Carlos Gatlin of Katy for his contributions in Iraq.

**HR 159** (by Y. Davis), Congratulating Dr. Mamie McKnight of Dallas on her receipt of SMU's Profiles in Leadership Award.

**HR 162** (by Gattis), Honoring the Liberty Hill High School football team and school band.

**HR 163** (by Gattis), Honoring the Florence FFA team on its success at the 77th National FFA Convention.

**HR 168** was previously adopted.

**HR 170** (by Gonzalez Toureilles), Honoring Jerry Retzloff of Live Oak County on being named Volunteer of the Year for 2005 by the Three Rivers Chamber of Commerce.

**HR 171** (by Gonzalez Toureilles), Honoring Lawrence "Buddy" Orsak for receiving the 2005 Educator of the Year Award from the Three Rivers Chamber of Commerce.

**HR 172** was withdrawn.

**HR 173** (by Gonzalez Toureilles), Honoring Emilio Garza on being named Elected Official of the Year by the Three Rivers Chamber of Commerce.

**HR 174** (by Smithee), Honoring the 100th anniversary of Rotary International and recognizing the work and achievements of the Amarillo West Rotary Club.

**HR 177** was withdrawn.

**HR 185** (by Talton), Recognizing the Battleship Texas on the occasion of the 60th anniversary of the raising of the U.S. flag at the Battle of Iwo Jima.

**HR 187** (by Hardcastle), Congratulating the City of Bowie on its selection as a National Main Street City.

**HR 188** (by Hardcastle), Congratulating the city of Gainesville on its selection as a National Main Street City.

**HR 189** (by Hardcastle), Congratulating Dr. T. David Greer of Henrietta on his receipt of the Texas Family Physician of the Year Award.

**HR 190** (by Hardcastle), Congratulating the city of Quanah on its selection as a National Main Street City.

**HR 198** (by Raymond), Honoring Minerva G. Ramirez for her dedicated service to the Laredo community.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 139** (by J. Jones), Honoring the life of Audry Mae Owens Gardner.

**HR 144** (by Bohac), In memory of Harold Alvin Urban of Houston.

**HR 150** was withdrawn.

**HR 151** (by J. Jones), In memory of Geary F. Hill of Dallas.

**HR 161** was previously adopted.

**HR 175** was withdrawn.

**HR 178** (by Harper-Brown), In memory of Robert G. Lynch, founding dean of the graduate school of management at the University of Dallas.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

#### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 11 and Senate List No. 1).

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hochberg moved to suspend the five day posting rule to allow the Committee on Public Education, Subcommittee on Technical Formula Issues, to meet upon adjournment today.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education, Subcommittee on Technical Formula Issues, upon adjournment today, E2.036, for a public hearing, to consider technical formula issues.

**HR 361 - ADOPTED  
(by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 361**.

The motion prevailed.

The following resolution was laid before the house:

**HR 361**, Recognizing February 16 and 17, 2005, as Angelina County Days.

**HR 361** was read and was adopted.

**HR 389 - ADOPTED  
(by Craddick)**

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 389**.

The motion prevailed.

The following resolution was laid before the house:

**HR 389**, Recognizing February 17, 2005, as Sheriffs' Association of Texas Day at the Capitol and commending members of the association.

**HR 389** was read and was adopted.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 389** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative West who introduced members of the Sheriffs' Association of Texas.

**HR 243 - ADOPTED  
(by Blake)**

Representative Blake moved to suspend all necessary rules to take up and consider at this time **HR 243**.

The motion prevailed.

The following resolution was laid before the house:

**HR 243**, Recognizing Nacogdoches County Days at the Capitol on February 16 and 17, 2005.

(Bonnen in the chair)

**HR 243** was read and was adopted.

**HR 205 - ADOPTED****(by Blake)**

Representative Blake moved to suspend all necessary rules to take up and consider at this time **HR 205**.

The motion prevailed.

The following resolution was laid before the house:

**HR 205**, Welcoming the Student Government Association and the SFA Alumni Association of Stephen F. Austin State University to the Capitol on February 16 and 17, 2005.

**HR 205** was read and was adopted.

(Speaker in the chair)

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Blake who introduced the family of Robert W. Murphey of Nacogdoches.

**HR 150 - ADOPTED****(by Blake)**

Representative Blake moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed.

The following resolution was laid before the house:

**HR 150**, In memory of Robert W. Murphey of Nacogdoches.

**HR 150** was read and was unanimously adopted by a rising vote.

(Morrison in the chair)

**HR 388 - ADOPTED****(by Edwards)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 388**.

The motion prevailed.

The following resolution was laid before the house:

**HR 388**, Congratulating the Honorable Harold V. Dutton, Jr., of Houston on the occasion of his 60th birthday.

(Speaker in the chair)

**HR 388** was read and was adopted.

On motion of Representative Morrison, the names of all the members of the house were added to **HR 388** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Morrison who introduced Cal Pifer, Community College Student Government President, and Dr. David Daniel, President of the Texas Association of Community Colleges.

### PROVIDING FOR ADJOURNMENT

Representatives J. Moreno and Bonnen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 21 in memory of Antonio Ramirez of Angleton.

The motion prevailed.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Taylor in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 11:52 a.m., adjourned until 10 a.m. Monday, February 21.

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### ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HB 972** (By Solomons), Relating to the continuation and functions of the Texas Board of Chiropractic Examiners; providing a criminal penalty.

To Public Health.

**HB 1015** (By Truitt), Relating to the continuation and functions of the Texas State Board of Examiners of Psychologists.

To Public Health.

**HB 1025** (By Solomons), Relating to the powers and duties of the Texas Optometry Board and to contact lens prescriptions and the dispensing of contact lenses.

To Public Health.

**HB 1028** (By Truitt), Relating to the continuation and functions of the Texas State Board of Examiners of Perfusionists.

To Public Health.

**HB 1033** (By Rose), Relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.

To Public Education.

**HB 1040** (By Truitt), Relating to the continuation and functions of the Texas State Board of Pharmacy.

To Public Health.

**HB 1067** (By Hegar), Relating to banning air guns, conducted energy weapons, facsimile firearms, and stun guns from certain premises; providing criminal penalties.

To Criminal Jurisprudence.

**HB 1116** (By Solomons), Relating to the governmental entities subject to the sunset review process.

To State Affairs.

**HB 1131** (By B. Cook), Relating to the continuation and functions of the State Board of Veterinary Medical Examiners.

To Agriculture and Livestock.

**HB 1150** (By Flores), Relating to reimbursement of certain group life insurance premiums paid by certain members of the Texas National Guard.

To Defense Affairs and State-Federal Relations.

**HB 1151** (By Gonzales), Relating to the consideration of a person's age in determining the person's eligibility for a position in a fire or police department in certain municipalities.

To Urban Affairs.

**HB 1152** (By Gonzales), Relating to representation elections conducted under The Fire and Police Employee Relations Act.

To Urban Affairs.

**HB 1153** (By Gonzales), Relating to the creation of an additional judicial district in Hidalgo County.

To Judiciary.

**HB 1154** (By Elkins), Relating to limited liability companies and partnerships.

To Business and Industry.

**HB 1155** (By Truitt), Relating to the continuation and functions of the Texas State Board of Examiners of Dietitians.

To Public Health.

**HB 1156** (By Anchia), Relating to the rate of the motor vehicle sales and use tax imposed on certain new hybrid motor vehicles.

To Ways and Means.

**HB 1157** (By Goodman), Relating to records on appeal in municipal courts of record.

To Urban Affairs.

**HB 1158** (By Goodman), Relating to the compensation of state judges.

To Judiciary.

**HB 1159** (By Riddle and Van Arsdale), Relating to community support for applications for the issuance of private activity bonds and low income housing tax credits.

To Urban Affairs.

**HB 1160** (By Bonnen), Relating to limiting the liability of emergency medical services volunteers and emergency medical services volunteer providers.

To Civil Practices.

**HB 1161** (By Farabee), Relating to the provision of certain information to oil and gas royalty interest owners.

To Energy Resources.

**HB 1162** (By Farabee), Relating to training, examination, and seminar attendance requirements for persons who are required or who wish to be licensed or registered to perform compressed natural gas activities and liquefied natural gas activities.

To Energy Resources.

**HB 1163** (By Denny), Relating to the filing fee for a candidate for certain offices on the general primary election ballot.

To Elections.

**HB 1164** (By Denny), Relating to the operation of public schools on the uniform election date in November.

To Public Education.

**HB 1165** (By Harper-Brown), Relating to the employment of county traffic officers by certain counties.

To County Affairs.

**HB 1166** (By Dukes), Relating to public school policies designed to prevent dating violence.

To Public Education.

**HB 1168** (By Puente), Relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

To Judiciary.

**HB 1169** (By Chavez), Relating to an international trade council.

To Border and International Affairs.

**HB 1170** (By Miller), Relating to readmission to a public institution of higher education of students who withdraw to perform active military service.  
To Higher Education.

**HB 1171** (By F. Brown), Relating to protecting students and employees at an institution of higher education from threatened acts of violence.  
To Higher Education.

**HB 1172** (By F. Brown), Relating to the tuition charged to resident undergraduate students of institutions of higher education for excess credit hours and to related formula funding.  
To Higher Education.

**HB 1173** (By F. Brown), Relating to the regulation of the use of postsecondary credits and degrees, persons offering or granting certain postsecondary credits and degrees, and the manner of offering or granting those credits and degrees; providing criminal penalties.  
To Higher Education.

**HB 1174** (By Dutton), Relating to attorney's fees and costs in a proceeding to enforce an order for the possession of or access to a child.  
To Juvenile Justice and Family Issues.

**HB 1175** (By Dutton), Relating to the modification or elimination of spousal maintenance by the parties to a premarital agreement.  
To Juvenile Justice and Family Issues.

**HB 1176** (By Dutton), Relating to the designation of a former spouse as a survivor or P.O.D. payee of a multiple-party account before a decree of divorce or annulment is rendered.  
To Juvenile Justice and Family Issues.

**HB 1177** (By Dutton), Relating to an appeal of a protective order.  
To Juvenile Justice and Family Issues.

**HB 1178** (By Dutton), Relating to disbursements from the universal service fund to telecommunications providers for service to rural areas.  
To Regulated Industries.

**HB 1179** (By Dutton), Relating to the authority of an associate judge in certain family law cases.  
To Juvenile Justice and Family Issues.

**HB 1180** (By Dutton), Relating to the salaries of state judges.  
To Judiciary.

**HB 1181** (By Dutton), Relating to access to criminal history record information by a domestic relations office.  
To Juvenile Justice and Family Issues.

**HB 1182** (By Dutton), Relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.  
To Juvenile Justice and Family Issues.

**HB 1183** (By Dutton), Relating to distribution of certain child support payments by the state disbursement unit.

To Juvenile Justice and Family Issues.

**HB 1184** (By Herrero), Relating to a policy regulating the use of textbooks in certain courses offered by public institutions of higher education.

To Higher Education.

**HB 1185** (By Smithee), Relating to the extension of the period for which an incomplete improvement on real property owned by a nonprofit organization for use as a school may receive an exemption from ad valorem taxation.

To Ways and Means.

**HB 1186** (By Hartnett), Relating to testamentary and nontestamentary transfers of property and other benefits.

To Judiciary.

**HB 1187** (By Hartnett), Relating to the Uniform Real Property Electronic Recording Act.

To Business and Industry.

**HB 1188** (By Hartnett), Relating to the criteria for designation of a reinvestment zone for purposes of tax increment financing and to the powers of a municipality that has created a reinvestment zone.

To Economic Development.

**HB 1189** (By Hartnett), Relating to the creation of two additional criminal judicial districts composed of Dallas County.

To Judiciary.

**HB 1190** (By Hartnett), Relating to trusts.

To Judiciary.

**HB 1191** (By Hartnett), Relating to guardianship matters and proceedings.

To Judiciary.

**HB 1192** (By Madden), Relating to court personnel education.

To Judiciary.

**HB 1193** (By Madden), Relating to a loan secured by personal property with limited recourse against the borrower.

To Financial Institutions.

**HB 1194** (By Mowery), Relating to prohibiting the removal of a barrier on a road placed by a person contesting the interest in the road claimed by a county or certain governmental entities.

To County Affairs.

**HB 1195** (By Naishtat), Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

To Urban Affairs.

**HB 1196** (By Naishtat), Relating to the work hours of and compensatory time and overtime pay for commissioned officers of the Department of Public Safety.

To Law Enforcement.

**HB 1197** (By P. Moreno), Relating to the establishment in certain municipalities of boards to receive and act on complaints of police misconduct.

To Urban Affairs.

**HB 1198** (By Guillen), Relating to public education, public school finance, a state property tax, and related matters.

To Ways and Means.

**HB 1199** (By Guillen), Relating to the presence of lead in confectionery.

To Public Health.

**HB 1200** (By Bonnen), Relating to certain payments or allowances to a retailer for a special advertising or distribution service; providing a criminal penalty.

To Business and Industry.

**HB 1201** (By Seaman), Relating to the appointment of certain temporary insurance agents.

To Insurance.

**HB 1202** (By West), Relating to severance tax credits for continued production from marginal gas and oil wells.

To Ways and Means.

**HB 1203** (By Hegar), Relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

To County Affairs.

**HB 1204** (By Raymond), Relating to access to certain information contained in a decree of dissolution of a marriage or in an order in a suit affecting the parent-child relationship.

To Juvenile Justice and Family Issues.

**HB 1205** (By Raymond), Relating to requiring parties in a suit affecting the parent-child relationship to disclose to the court knowledge of certain registered sex offenders; providing a penalty.

To Juvenile Justice and Family Issues.

**HB 1206** (By Thompson), Relating to the prohibition of certain discrimination in applications for employment and employment interviews.

To Economic Development.

**HB 1207** (By Haggerty), Relating to the deadline for filing a petition to exclude land from a water district with outstanding bonds for failure to provide sufficient services.

To Natural Resources.

**HB 1208** (By Gattis), Relating to a limitation on the use of eminent domain by municipal utility districts.

To Natural Resources.

**HB 1209** (By Gattis), Relating to using county election precincts for any election held on the November uniform election date.

To Elections.

**HB 1210** (By Gattis), Relating to the amount spent by a political subdivision on a project supported by bonds approved at an election.

To Elections.

**HB 1211** (By Gattis), Relating to the use of proceeds of political subdivision bonds approved at an election.

To Elections.

**HB 1212** (By P. King), Relating to parental consent for the performance of an abortion; providing penalties.

To State Affairs.

**HB 1213** (By Harper-Brown), Relating to fitness incentive pay for certain fire fighters and police officers.

To Urban Affairs.

**HB 1214** (By Morrison), Relating to tuition for a student registered in a public junior college.

To Higher Education.

**HB 1215** (By Morrison), Relating to the degree programs offered by the University of Houston-Victoria.

To Higher Education.

**HB 1216** (By Farrar), Relating to the promotion of breast-feeding and the prohibition against interference with or restriction of the right to breast-feed.

To Public Health.

**HB 1217** (By Eiland), Relating to enforcement of certain insurance provisions in construction contracts.

To Insurance.

**HB 1218** (By Uresti), Relating to reporting requirements concerning investigations of alleged abuse, neglect, or exploitation of elderly or disabled persons; providing a criminal penalty.

To Human Services.

**HB 1219** (By Talton), Relating to settlement of certain claims under an auto insurance policy.

To Insurance.

**HCR 47** (By Dukes, et al.), Concurrent resolution honoring the life of civil rights leader James Leonard Farmer, Jr.

To Rules and Resolutions.

**HCR 54** (By Raymond), Memorializing the United States Congress not to privatize the social security program.

To State Affairs.

**HCR 55** (By Rose), Designating Blanco the Lavender Capital of Texas.

To Rules and Resolutions.

**HCR 56** (By Rose), Designating Buda as the official Outdoor Capital of Texas.

To Rules and Resolutions.

**HCR 62** (By Hughes), In memory of Dr. Edmund Whetstone Robb, Jr., of Marshall.

To Rules and Resolutions.

**HCR 63** (By M. Noriega), Memorializing Congress to repeal the Government Pension Offset provision and the Windfall Elimination Provision of the Social Security Act.

To State Affairs.

**HCR 65** (By Giddings and A. Allen), Designating February 2005 as Black History Month in Texas.

To Rules and Resolutions.

**HCR 67** (By Peña), In memory of Dr. Carlos Ramon Saca of Edinburg.

To Rules and Resolutions.

**HJR 47** (By Guillen), Proposing a constitutional amendment authorizing a state property tax for public education, prohibiting school district property taxes for maintenance purposes, and authorizing an equalized school district property tax for educational enrichment.

To Ways and Means.

**HR 261** (By Martinez Fischer), In memory of Roger Anthony Flores II of San Antonio.

To Rules and Resolutions.

**HR 262** (By Naishtat), Honoring Project 2005 of The University of Texas at Austin.

To Rules and Resolutions.

**HR 263** (By Naishtat), Congratulating Communities in Schools-Central Texas, Inc., on the occasion of its 20th anniversary.

To Rules and Resolutions.

**HR 264** (By Naishtat), Allowing the South Central Texas District of Optimist International to use the house chamber.

To House Administration.

**HR 265** (By Naishtat), Congratulating Donald M. Loving on his retirement as executive director of Communities in Schools-Central Texas, Inc., in Austin.

To Rules and Resolutions.

**HR 268** (By Gattis), In memory of Calvin Luther Chance, Sr., of Williamson County.

To Rules and Resolutions.

**HR 269** (By Gattis), In memory of Amy Lynn Donovan of Georgetown.

To Rules and Resolutions.

**HR 270** (By Gattis), Honoring Lance Corporal Justin Gower for his courageous service to his country.

To Rules and Resolutions.

**HR 271** (By Gattis), In memory of Sergeant Michael Luke Boatright of Liberty Hill.

To Rules and Resolutions.

**HR 272** (By Kolkhorst), Recognizing February 24, 2005, as Austin County Day.

To Rules and Resolutions.

**HR 273** (By Kolkhorst), Honoring the life of Mary Pilger Giles of Iola.

To Rules and Resolutions.

**HR 274** (By Kolkhorst), Honoring Andra Kareem Manson of Brenham for his track and field accomplishments.

To Rules and Resolutions.

**HR 275** (By Kolkhorst), Congratulating Kelly Kaminski of Bellville on winning the barrel-racing championship at the National Finals Rodeo.

To Rules and Resolutions.

**HR 277** (By Dukes), In memory of Roy Evans.

To Rules and Resolutions.

**HR 278** (By Quintanilla), In memory of Mike Franco of Clint.

To Rules and Resolutions.

**HR 279** (By Quintanilla), In memory of Guillermo D. Franco of Clint.

To Rules and Resolutions.

**HR 280** (By Quintanilla), In memory of William Holland Rutherford, Jr., of El Paso.

To Rules and Resolutions.

**HR 281** (By Phillips), Recognizing February 23, 2005, as Fannin County Day at the State Capitol.

To Rules and Resolutions.

**HR 282** (By Y. Davis), Congratulating Dr. Mamie McKnight on her receipt of the Profiles in Leadership Award of the SMU Women's Symposium.

To Rules and Resolutions.

**HR 283** (By Ritter), Honoring the life of Anthony Joseph Ippolito of Port Arthur.

To Rules and Resolutions.

**HR 284** (By Anchia), Honoring NFL great Emmitt Smith on his retirement from professional football.

To Rules and Resolutions.

**HR 286** (By Berman), Honoring Richard J. DeSanto for his exceptional leadership as chairman of the Mental Health Corporations of America, Inc., Board of Directors.

To Rules and Resolutions.

**HR 287** (By Orr), Honoring the Johnson County Junior Livestock Show and Youth Fair in its 45th year.

To Rules and Resolutions.

**HR 289** (By Dawson), Congratulating Carol Sue Gibbs of Bay City on being selected the 2004 Woman of the Year by the Bay City Chamber of Commerce and Agriculture.

To Rules and Resolutions.

**HR 290** (By Dawson), Congratulating Kenneth Thames of Bay City on being named 2004 Man of the Year by the Bay City Chamber of Commerce and Agriculture.

To Rules and Resolutions.

**HR 291** (By Dawson), Congratulating Clare Bowman on being named Educator of the Year by the Bay City Chamber of Commerce and Agriculture.

To Rules and Resolutions.

**HR 292** (By Craddick), Congratulating Charles and Douglas Ann Blue on their golden wedding anniversary.

To Rules and Resolutions.

**HR 293** (By Craddick), Congratulating Charlie and Bernice Passur on their golden wedding anniversary.

To Rules and Resolutions.

**HR 294** (By Craddick), Congratulating Bill and Bobbie Simmons on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 295** (By Craddick), Congratulating Bob and Carolyn Clark on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 296** (By Craddick), Congratulating Knoxie Gore and Charles Gore, Jr., on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 297** (By Craddick), Congratulating David and Shirley Halfmann on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 298** (By Craddick), Congratulating George and Doris Schwartz on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 299** (By Craddick), Congratulating A. D. and Mary Reed on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 300** (By Craddick), Congratulating Jack and Dorothy Stovall on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 301** (By Craddick), Congratulating Gaylon and Dora Lee Winkler of Monahans on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 302** (By Craddick), Congratulating Horace and Alto West on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 303** (By Craddick), Congratulating Otto and Ida Lisenbee on their 72nd wedding anniversary.

To Rules and Resolutions.

**HR 304** (By Craddick), Congratulating Lance and Amelia Furlow on their 68th wedding anniversary.

To Rules and Resolutions.

**HR 305** (By Craddick), Congratulating Otha and Veneda Brown on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 306** (By Craddick), Congratulating Dale and Dorothy Kidd on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 307** (By Craddick), Congratulating Hank and Thelma Myers on their golden wedding anniversary.

To Rules and Resolutions.

**HR 308** (By Craddick), Congratulating Eddie and Clea Hughes on their golden wedding anniversary.

To Rules and Resolutions.

**HR 309** (By Craddick), Congratulating Layton and Joyce Oliver on their golden wedding anniversary.

To Rules and Resolutions.

**HR 310** (By Craddick), Congratulating Carlos and Guadalupe Perez on their golden wedding anniversary.

To Rules and Resolutions.

**HR 311** (By Craddick), Congratulating Dick and LaVera Mitchell on their golden wedding anniversary.

To Rules and Resolutions.

**HR 312** (By Craddick), Congratulating Gib and Sarah Sherman on their golden wedding anniversary.

To Rules and Resolutions.

**HR 314** (By W. Smith), In memory of Nancy Riley Whatley Munding of Baytown.

To Rules and Resolutions.

**HR 315** (By Gallego), In memory of Bill Golden of Alpine.

To Rules and Resolutions.

**HR 357** (By Hughes), Congratulating Harrison Westmoreland of Marshall for winning first place in the 125 Amateur Class of the Texas Cross Country Racing Association.

To Rules and Resolutions.

**HR 358** (By Hughes), Commending Mildred Castell of Marshall on her retirement and congratulating Mildred and Harvey Castell on their 57th wedding anniversary.

To Rules and Resolutions.

**HR 362** (By B. Cook), Honoring the Reverend Dairy G. Johnson on the occasion of his 20th anniversary with Bethlehem Missionary Baptist Church in Corsicana.

To Rules and Resolutions.

**HR 363** (By Anchia), In memory of U.S. Marine Lance Corporal Nazario Serrano of Irving.

To Rules and Resolutions.

**HR 364** (By Anchia), Honoring Arturo Violante of Arlington for his civic and professional accomplishments.

To Rules and Resolutions.

**HR 365** (By Anchia), Honoring Reginald Gates of Dallas.

To Rules and Resolutions.

**HR 366** (By Bohac), Honoring the life of Major Leo Telchik, Sr., U.S. Army (Ret.), of Houston.

To Rules and Resolutions.

**HR 367** (By Bohac), Commemorating the grand opening of the Czech Cultural Center Houston.

To Rules and Resolutions.

**HR 368** (By Bohac), Honoring Wally and Barbara Bircher of Houston on their 50th wedding anniversary.

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1068** (By Driver), Relating to evidence and testimony based on forensic analysis, crime laboratory accreditation, and DNA testing and records.

To Law Enforcement.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 11****HCR 50, HCR 68****Senate List No. 1****SCR 3, SCR 4**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**February 16****Transportation - HB 160****ENROLLED****February 16 - HCR 64**